

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IKEDICHI NWOKORO, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.:  
 ) 1:17-cv-00225-MHC-AJB  
GAWVT MOTORS, LLC, d/b/a MALL )  
OF GEORGIA FORD, et. al, )  
 )  
Defendants. )  
----- )

**THE DEPOSITION OF NATHAN ANDREW LEWIS**

**(30(b)(6) - GAWVT MOTORS, LLC)**

Phoenix, Arizona  
March 28, 2018  
10:04 a.m.

(COPY)

**PREPARED FOR:**

ATTORNEY

**REPORTED BY:**

HERDER & ASSOCIATES, LLC  
HALEY DAWN WESTRA, RPR  
Certified Court Reporter  
AZ-CR No. 50762

**I N D E X**Examination By:Page:

MR. FILIPOVITS

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**E X H I B I T S**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>MARKED</b>
No. 44	Plain text e-mail correspondence	21
No. 45	E-mail correspondence, dated Mar 14, 2018	27

**E X H I B I T S**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>REFERRED</b>
No. 43	Plaintiff's Sixth Notice of Depositions (Amended)	8

\* \* \* \* \*

1 THE DEPOSITION OF NATHAN ANDREW LEWIS, taken  
2 at 10:04 a.m., on March 28, 2018, at the Offices of  
3 Herder & Associates, 2 North Central Avenue, Suite  
4 1800, Phoenix, Arizona, before HALEY DAWN WESTRA, a  
5 Certified Reporter in the State of Arizona.

6

7 **COUNSEL APPEARING:**

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For the Defendants:

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Phoenix, Arizona  
March 28, 2018  
10:04 a.m.

P R O C E E D I N G S

MR. FILIPOVITS: Okay. We are here for the  
30(b)(6) deposition of GAWVT Motors, LLC on subjects  
related to the production of certain e-mail evidence.

Mike, are you guys going to read and sign?

MR. CALDWELL: Yes, we will read and sign.

And we have to hold on one moment. I need to  
get the notice. I don't have that in front of me.

MR. FILIPOVITS: Oh, Mike, I got a copy for  
you. Yeah.

Beyond that, deposition is being taken for the  
purposes of all uses authorized under the Federal Rules  
of Civil Procedure.

We will reserve objections, except to those to  
the form of the question.

Any other preliminary matters?

MR. CALDWELL: The responsiveness of the  
answer.

MR. FILIPOVITS: And to the responsiveness.

MR. CALDWELL: And privilege.

MR. FILIPOVITS: And privilege, of course.

1           With that, would you please swear in the  
2 witness, Madam Court Reporter.

3  
4           NATHAN ANDREW LEWIS,  
5 a witness herein, having been first duly sworn by the  
6 Certified Reporter to speak the truth and nothing but  
7 the truth, was examined and testified as follows:

8  
9                               EXAMINATION

10 BY MR. FILIPOVITS:

11           Q.    All right. Mr. Lewis, good morning. My name  
12 is Jeff Filippvits. I represent the plaintiff in this  
13 case, and I'm going to be asking you some questions.

14                   Before we get there, I just want to make sure  
15 we've got all the documents in front of us.

16                   I've sent the court reporter -- or the court  
17 reporter's dispatcher, some e-mails with some exhibits.

18                   Do you have exhibits in front of you?

19           A.    I do.

20           Q.    Okay. And I just want to make sure we have  
21 all the same numbers. I have Exhibit 4, Exhibit 31,  
22 Exhibit 32, Exhibit 43, and then there are a few  
23 e-mails which are not labeled.

24                   Do you have all the documents I've referenced  
25 so far?

1 A. I do.

2 Q. Okay. All right. Well, we'll get to the  
3 other ones later.

4 All right. Would you please state your full  
5 name for the record.

6 A. Nathan Andrew Lewis.

7 Q. And how are you employed?

8 A. I'm employed by Berkshire Hathaway Automotive  
9 as the head of IT systems and development.

10 Q. How long have you been at that job?

11 A. Just over three years.

12 Q. So that means you started in 2015?

13 A. That's correct.

14 Q. And who preceded you in that position before  
15 2015?

16 A. Unknown.

17 Q. Unknown to you or unknown to anyone?

18 A. Unknown to me. My position didn't exist.

19 Q. Okay. Did you move into this position as a  
20 new hire or were you promoted or moved laterally?

21 A. As a new hire.

22 Q. Who is your supervisor?

23 A. Currently I report to the CFO.

24 Q. And that's the CFO of Berkshire Hathaway  
25 Automotive, Incorporated?

1 A. Correct.

2 Q. And do you have individuals who report to you?

3 A. Yes.

4 Q. How many?

5 A. Three.

6 Q. Can you tell us their names and their  
7 positions?

8 A. I have Jeffrey Grant [phonetic]. He is a  
9 system administrator. I have Sean Lines [phonetic].  
10 He is a software developer. And I have -- I'm going  
11 have to spell this, Smail Mustedanagic. It's  
12 M-U-S-T-E-D-G-A-N-I-C [sic], and his first name is  
13 S-M-A-I-L, and he's just kind of general desktop  
14 support.

15 Q. Okay. Can you tell us, just give us an  
16 overview of your day-to-day responsibilities in your  
17 current position?

18 A. I'm responsible for the -- all of the IT  
19 infrastructure, data center, hardware/software,  
20 servers, maintenance of antivirus, things like that,  
21 along with ongoing software development.

22 Q. And who do you provide those services -- those  
23 IT services to? I mean, I know Berkshire Hathaway  
24 Automotive, but I assume you provide these services to  
25 dealerships?

1           A.     In some regard. I work for the corporate  
2 office, and the vast majority of what I have is under  
3 corporate; but by extension, the dealerships.

4           Q.     Okay. So are the e-mail servers used by the  
5 dealerships maintained by you or members of your team?

6           A.     Yes.

7           Q.     And was that the case since you have been  
8 employed at Berkshire Hathaway?

9           A.     Yes.

10          Q.     All right. Did you receive -- would you turn  
11 to Exhibit 43, which is a copy of a notice of  
12 deposition.

13                 Did you review that document before coming in  
14 to testify today?

15          A.     Yes.

16          Q.     And if you turn to the second page of that, it  
17 starts at the top that has been designated for your  
18 testimony.

19                 Did you review each of those designations?

20          A.     Yes.

21          Q.     And are there any designations there that you  
22 do not believe that you are the proper representative  
23 to testify about?

24          A.     No.

25          Q.     Okay. Did you bring any documents with you to



1 this deposition?

2 A. No.

3 Q. Did you review any documents in preparation  
4 for this deposition?

5 A. Beyond this notice, no.

6 Q. All right. So let's turn to the first  
7 designation that's on page 2, which states that  
8 we're -- we'd like to talk about the type of mail  
9 server used by Mall of Georgia Ford, in particular for  
10 e-mail addresses associated with the vtaig.com domain,  
11 which I believe is informally called VTAIG.

12 Are you familiar with that mail server?

13 A. Yes.

14 Q. Can you tell us what software is used to run  
15 that serve?

16 A. Currently, it's Microsoft Exchange 2013.

17 Q. Do you know when that was implemented first?

18 A. April/May of 2015.

19 Q. Do you know what software was used prior to  
20 that April or May in 2015?

21 A. Microsoft Exchange 2007.

22 Q. Were you responsible for the upgrade from 2007  
23 to 2013?

24 A. In part.

25 Q. As part of that upgrade, did you migrate all

1 of the e-mail data from the previous server to the new  
2 server?

3 A. We migrated all the e-mail boxes.

4 Q. Okay. So what about the individual e-mail --  
5 and forgive me if my terminology isn't precise, and  
6 please feel free to correct it as necessary.

7 When you say you migrated all the e-mail  
8 boxes, does that mean that all the e-mails that were  
9 stored on the server were transferred to the new  
10 server?

11 A. That's correct.

12 Q. That's correct, you said?

13 A. Yes.

14 Q. Sorry, you broke up for a second.

15 A. Yes, that's correct.

16 Q. I wanted to verify your answer.

17 A. Yes, that's correct.

18 Q. Okay. Thank you.

19 And when you migrated that data, were you  
20 aware of any litigation holds on any of the e-mail  
21 accounts --

22 A. No.

23 Q. -- that were associated with -- you were not  
24 aware of any litigation holds whatsoever?

25 A. No.

1 Q. Okay. Asking specifically about how the  
2 e-mail server for VTAIG used by the Mall of Georgia for  
3 employees; do you know if that is a POP3 or IMAP  
4 protocol?

5 A. It's capable of both. That's determined by  
6 the client. We serve both.

7 Q. Do you know whether Mall of Georgia Ford uses  
8 POP3 or IMAP?

9 A. Mall of Georgia Ford in what capacity, on the  
10 VTAIG domain?

11 Q. Yeah, all my questions, unless I state  
12 otherwise, are going to be directed to the VTAIG  
13 domain.

14 A. Yes, they're the same as everybody else.

15 Q. So is that POP3 or IMAP?

16 A. It's both. We serve both protocols out of the  
17 same server.

18 Q. Okay. So maybe help me understand this.

19 My understanding is if you use POP3, that  
20 means that a copy of the e-mail is not left on the  
21 server after it's retrieved by the client; is that  
22 correct?

23 A. It's an exchange server, so it can be accessed  
24 through POP or IMAP, but exchange servers retain all  
25 e-mails on the server.

1 Q. Okay. So a person using, say, Outlook as a  
2 client to retrieve their e-mails from the server cannot  
3 control whether e-mails on the server are actually  
4 deleted; is that correct?

5 A. No, that's not correct.

6 Q. Okay. Tell me why.

7 A. They're open to delete e-mails. And when  
8 they're deleted from their client, it's going to delete  
9 it from the server as well. That's just inherent to  
10 the way that Microsoft Exchange works.

11 Q. So in other words, a person -- to delete  
12 e-mails from the server, a person does not need  
13 authority or permission, you know, in the form of  
14 authority to access the server to delete the e-mails;  
15 they can just delete it straight from their client?

16 A. Correct.

17 Q. Okay. What are your -- I'm going to skip  
18 ahead to number 3 on our designations there, "Policies  
19 and practices concerning backing up data from the  
20 server."

21 How regularly are backups of the VTAIG mail  
22 server made?

23 A. Daily.

24 Q. And how are those backups made?

25 A. We use a backup software called Veeam

1 V-E-E-A-M.

2 Q. Okay. Where is that data stored when it's  
3 backed up?

4 A. We rent space in a data center colo in  
5 Richardson, Texas.

6 Q. Do you know what the backup schedule was going  
7 back to 2014?

8 A. I do not.

9 Q. Who would know that -- the answer to that  
10 question?

11 A. I'm not sure. The Van Tuyl Group, before the  
12 changeover, contracted with an outside third party; but  
13 that was before my time, so I don't know much about  
14 that.

15 Q. Do you know who the third party was?

16 A. I believe the name was Billy Dunn & Associates  
17 [phonetic].

18 Q. Did you ever have any interaction with them at  
19 all?

20 A. Minimal, just during the handoff between VTAIG  
21 and Berkshire Hathaway Automotive, mainly just  
22 information gathering, but very very briefly; two  
23 months maybe.

24 Q. And let me just clarify when exactly that  
25 handoff occurred.

1           A.     The company was -- officially changed hands in  
2     January of 2015, so immediately following that.

3           Q.     And were you there in January 2015? I don't  
4     think we nailed down exactly when it started.

5           A.     I was not. I started in February.

6           Q.     Were you responsible -- well, let me back up.

7                   Are you aware that in this case we requested  
8     that certain keyword searches be performed on certain  
9     e-mail accounts for a specific time period? Are you  
10    aware of that request?

11          A.     Yes, I was aware of that.

12          Q.     Okay. And what role did you play in gathering  
13    the data to -- well, let me back up. I apologize.

14                 You gathered the e-mail data that we requested  
15    and then supplied it to the attorneys representing  
16    GAWVT; is that correct?

17          A.     That's correct.

18          Q.     Okay. Did you have any direct interaction  
19    with the ESI consultant that was retained by GAWVT  
20    Motors?

21          A.     Is that Jeffrey Sayer?

22          Q.     It is, correct.

23          A.     I sent the e-mail files to him. Beyond that,  
24    it was just, you know, filling his requests.

25          Q.     And how did you send those files?

1           A.     As a PST, encapsulated this in the entire  
2     e-mail box. I saved it off the Exchange server, and  
3     transferred them electronically to him.

4           Q.     Okay. So you were responsible for saving all  
5     of the data from specific accounts and when you did --  
6     that's correct, right?

7           A.     Correct.

8           Q.     And when you did that, you did not  
9     discriminate in what e-mails you saved or what data you  
10    saved, you simply exported everything from each e-mail  
11    account into -- was it a single file?

12          A.     It was individual files per e-mail address;  
13    but yes, that's correct.

14          Q.     Okay. And then forgive me if, you know, I'm  
15    not asking this as efficiently as possible.

16                 But did each individual e-mail -- was it each  
17    individual e-mail contained in separate files?

18          A.     No, all the e-mails in a user's e-mail box  
19    were contained in one file.

20          Q.     Okay. And you said the format of that file  
21    was .PST?

22          A.     That's correct.

23          Q.     And after you sent those e-mails to Jeff  
24    Sayer, was that the end of your interaction with him?

25          A.     Yes.

1 Q. Did you review any of the results of the  
2 search performed by Jeff Sayer?

3 A. I did not.

4 Q. Did anyone else at Berkshire Hathaway, to your  
5 knowledge, review the results of that search?

6 A. I don't know.

7 Q. What would be the process necessary for you to  
8 go to the backups that have been created since  
9 January 2015?

10 Can you -- you can access those. You said you  
11 rent server space, right, so you can just pull those up  
12 online, right?

13 A. No, that's not correct.

14 We keep a rolling 30-day backup.

15 Q. Okay.

16 A. So anything prior to 30 days, we can't  
17 restore.

18 Q. Got it.

19 Do you have any policies concerning retaining  
20 e-mails if a litigation hold is placed on an e-mail  
21 account?

22 A. If a litigation hold is placed, yes.

23 Q. Okay. Who would be -- take me through the  
24 process of placing a litigation hold on an account.

25 A. We would get a request from our legal



1 department informing us that we need to place a  
2 litigation hold on a specific e-mail address.

3 There is functionality within the Exchange  
4 server to basically just check a box and flag the  
5 account for litigation hold.

6 Q. And I'm not much of a Microsoft person, so  
7 forgive me.

8 But if a litigation hold is placed on the  
9 account, does that mean that the user can no longer  
10 delete e-mails?

11 A. I'm not familiar with the exact functionality.  
12 I believe they still have the ability to delete  
13 e-mails. But when a litigation hold is present, it  
14 retains the data for longer than it normally would with  
15 a normal box, a non-litigation hold.

16 Q. Okay. When you say that you guys do rolling  
17 30-day backups, is there -- well, no forget that  
18 question.

19 Does Microsoft Exchange create any logs that  
20 would show when e-mails were deleted either from a  
21 client or from an administrator on a server?

22 A. I believe it has that capability. We do not  
23 have that implemented.

24 Q. When you sent the e-mail data from export from  
25 the Gmail account to Jeff Sayer, I think I asked you

1 this, but you did not review the content of any of the  
2 e-mails, correct?

3 A. I did not.

4 Q. And you have no idea whether the e-mails that  
5 you provided spanned the entire date range or only a  
6 portion of a date range, correct?

7 A. That's correct.

8 Q. Well, let me clarify that.

9 Now, you would have -- you're familiar that we  
10 requested e-mails for a certain date range, correct?

11 A. Correct. We did not discriminate date range  
12 on what we provided. We sent the entire e-mail box  
13 irrespective of date range.

14 Q. Understood.

15 And so if Jeff Sayer says that he doesn't have  
16 an e-mail, you sent everything you had to Jeff Sayer,  
17 right?

18 A. That's correct.

19 Q. Okay. Give me a moment to jump around -- to  
20 gather my thoughts. You know, some of your answers  
21 have cut off some questions I had. So I got to just  
22 get myself organized for a moment. Just bear with me.

23 A. Okay.

24 Q. We're actually going to step out for a second  
25 so that I can speak with my co-counsel, so let's just

1 go off the record for a moment.

2 (Recess was taken from 10:24 a.m. to 10:30 a.m.)

3 BY MR. FILIPOVITS:

4 Q. Sorry about that. Just a few more questions  
5 for you, Mr. Lewis.

6 I think the answer to this one is obvious, but  
7 I'm going to ask it anyway.

8 There's no -- you made no effort to go to the  
9 individual -- the individuals who hold the e-mail  
10 accounts; i.e., the custodians of those e-mail  
11 addresses, to attempt to access their e-mails from the  
12 client side, correct, when you provided this ESI  
13 information to Jeff Sayer?

14 A. That's correct.

15 Q. If -- if a person deletes an e-mail on their  
16 client, would that -- that would necessarily -- I just  
17 want to make sure I understand how this works.

18 If they delete their e-mail on their Outlook  
19 client, that would necessarily also remove the e-mail  
20 from the e-mail server?

21 A. After 30 days, that's correct. We retain  
22 deleted items for 30 days.

23 Q. Okay. If someone using their e-mail client  
24 saves an e-mail in a particular folder on Outlook,  
25 would that affect how it was stored on the server?

1           A.     It would change the location; but no, not  
2 really.

3           Q.     Okay. Are you familiar with any process  
4 whereby e-mail boxes that are assigned to certain  
5 employees who are fired, terminated, or otherwise no  
6 longer employed are deleted, or are those retained?

7           A.     They're retained for 30 days post-termination.  
8 And if the employee hasn't been rehired, they're  
9 just -- the system just wipes them out.

10          Q.     Does anyone at -- I'll ask you specifically  
11 with Mall of Georgia Ford, if you can answer.

12                 But does anyone at Mall of Georgia Ford  
13 actually have administrative privileges for the  
14 Exchange server --

15          A.     No.

16          Q.     -- used for the VTAIG e-mails?

17          A.     No.

18          Q.     Does anyone who has administrative privileges  
19 for that server work for you?

20          A.     Yes.

21          Q.     And by "for you," I mean one of those three  
22 people we talked about who report to you?

23          A.     Yes.

24          Q.     All right. In the stack of papers you have,  
25 I'm going to label this one as Exhibit 44, if the court

1 reporter might assist with that process.

2 (Deposition Exhibit No. 44 was marked for  
3 identification by the reporter.)

4 BY MR. FILIPOVITS:

5 Q. Exhibit 44 is going to be a plain text e-mail  
6 that shows all the headers. You'll know it when you  
7 see it.

8 A. Yep.

9 Q. Okay. So that's Exhibit 44. Just a couple  
10 questions about this.

11 Looking at this header information, is it  
12 possible for you to determine whether we've recovered  
13 this e-mail from the mailbox of -- well, okay. I'm  
14 sorry. Let me back up here.

15 When we get -- when we look at e-mails that  
16 were produced pursuant to our request for  
17 electronically stored information, and we have an  
18 e-mail like this one from Kathy Miller to James  
19 Delwyn -- or Delwyn James, Mike Jordan, and Erik  
20 Conley, looking at this e-mail, is it possible for you  
21 to tell us whose account that was recovered from?

22 A. It would have to be either the person --  
23 either Delwyn James, Mike Jordan, or Erik Conley --  
24 actually, no. I take it back.

25 It could be -- it could be any one of the four

1 of those, the sender or any one of the recipients.

2 Q. Okay. And none of this header information  
3 helps us sort out, you know, where this particular  
4 e-mail was recovered from?

5 A. Again, with that, that message ID, I could go  
6 back to the server and look up and see which -- which  
7 box it came from, I believe.

8 I -- honestly, I'm not -- I'm not sure. I  
9 don't believe I can tell you definitively just from  
10 what I have on this piece of paper.

11 Q. Okay. But it may be possible, but you're not  
12 sure that we can determine whether this was recovered  
13 from the mailbox of the sender or any of the  
14 recipients, right?

15 A. Correct.

16 Q. Okay. Were you the only person at Berkshire  
17 Hathaway Automotive in the IT department who  
18 communicated with Jeff Sayer?

19 A. Yes, as far as I know.

20 Q. Right.

21 Are you familiar with the -- the names of the  
22 employees whose e-mail boxes we requested and whether  
23 you can state definitively that you provided the  
24 information for specific named employees? Like if  
25 I asked you if you provided Charles Aycock's e-mails to

1 Jeff Sayer, can you answer that?

2 A. I don't have the documentation on hand.

3 I know his -- for certain I didn't send to  
4 Jeff Sayer. We did have a couple of e-mail boxes in  
5 the request that did not exist anymore.

6 Q. Do you know which e-mail boxes those were?

7 A. I do not.

8 Q. Do you remember whether it was the majority of  
9 them? You know, was it like we're missing half of  
10 these e-mail boxes, or were there just a couple?

11 A. There were one or two or maybe three that we  
12 didn't have that were requested, but we had the vast  
13 majority and provided them.

14 Q. Okay. If I read to you any of the names would  
15 you remember if they were the ones that were not  
16 present?

17 A. Possibly.

18 Q. All right. Let me just go down the list, tell  
19 us if you remember whether these e-mails were not  
20 present in what you provided to Jeff Sayer.

21 Charles Aycock?

22 A. I believe those were present.

23 Q. Erik Conley?

24 A. I believe those were present.

25 Q. Eric Smith?

1 A. Don't know.

2 Q. John Hannon?

3 A. I do not believe so.

4 Q. You do not believe that they were present --

5 A. Correct.

6 Q. -- in other words?

7 John Hunsinger?

8 A. Do not remember.

9 Q. Oh, you said "do not remember"?

10 A. Correct.

11 Q. Okay. James King?

12 A. I believe those were sent.

13 Q. Kevin McBride?

14 A. I believe so.

15 Q. How about Max Barber?

16 A. I believe so.

17 Q. What about Mike Jordan?

18 A. I don't believe so.

19 Q. You don't believe that those were available?

20 A. I don't believe so.

21 Q. Okay. And Kathy Miller?

22 A. Yes, I believe so.

23 Q. Okay. But again, you don't know whether --

24 you know that there was some data in those e-mail

25 boxes, but you didn't look to see whether they were



1 within the date range that we requested, right?

2 A. Correct, because we provided everything, so  
3 there was limitation based on date range. We sent  
4 everything we had.

5 Q. Right. And then you just relied on Jeff Sayer  
6 to narrow it from there?

7 A. Correct.

8 Q. Okay. Now, let's back up and away from the  
9 VTAIG domain address.

10 Now, Mall of Georgia Ford also uses mofg.com  
11 as a domain name for their e-mail; is that correct?

12 MR. CALDWELL: Not MOFG.

13 MS. LAMBERT: MOGF.

14 MR. FILIPOVITS: Oh, I'm sorry, I said that  
15 wrong. Hold on. Everyone's correcting me.

16 MS. LAMBERT: MOGF.

17 BY MR. FILIPOVITS:

18 Q. Mogf.com, do you guys have anything to do with  
19 the administration of that e-mail server?

20 A. Currently, we do. At the time, we did not.

21 Q. When did you start administering that server?

22 A. Summer of 2015, I believe.

23 Q. Do you know who was in charge of that server  
24 prior to that time?

25 A. I do. It was dealer.com. They provided the

1 e-mail service that we used, and then they decided to  
2 shut it down, so we took it over internally in the  
3 summer of 2015.

4 Q. When you say "they decided to shut it down,"  
5 are you referring to Mall of Georgia Ford or  
6 dealer.com?

7 A. Dealer.com.

8 Q. So is dealer.com not providing that service  
9 anymore?

10 A. That's correct.

11 Q. And when you took it over, did you guys get  
12 any of the e-mails that were stored on the dealer.com  
13 server?

14 A. We did not.

15 Q. Okay. So anything -- anything that was sent  
16 to the mogf.com domain prior to when you took it over  
17 in the summer of 2015 is lost in the abyss --

18 A. Correct.

19 Q. -- so to speak?

20 A. Yep, correct.

21 Q. All right. Give me one more second, and I  
22 might have one or two more.

23 Okay. If you look through the documents you  
24 have there, it's not marked as an exhibit yet, but  
25 there's an e-mail, the subject is -- it's a Gmail

1 print -- it's Mall of Georgia Ford, and it's from Jeff  
2 Sayer to Lisa Lambert and a few ccs. Let me know if  
3 you find that one. It was sent March 14th.

4 A. Yes, I have it.

5 (Deposition Exhibit No. 45 was marked for  
6 identification by the reporter.)

7 BY MR. FILIPOVITS:

8 Q. In that e-mail, he says, "Lisa and Jeff,  
9 I have done a re-indexed and researched the inboxes of  
10 that of Erik Conley and Charles Aycock and I only have  
11 emails from 2017 forward."

12 Do you have any reason to dispute that is  
13 true?

14 A. No.

15 Q. Okay. Are you familiar with the process that  
16 Jeff Sayer used to index and search these e-mails?

17 A. I am not.

18 Q. Are you familiar generally with any process of  
19 indexing and searching e-mails in this context?

20 A. Yes.

21 Q. Can you explain to me when he says  
22 "re-indexed," does that simply mean loading the data  
23 into a format that would be easier for a program to  
24 search, rather than each time you run a keyword search,  
25 having to go through each individual unit -- each

1 e-mail individually?

2 MR. CALDWELL: Object to the form of the  
3 question.

4 MR. FILIPOVITS: That's fine. I understand.

5 MR. CALDWELL: I didn't understand the  
6 question either.

7 MR. FILIPOVITS: All right. Well, let me  
8 re-ask it.

9 BY MR. FILIPOVITS:

10 Q. Can you just explain to what it means -- why  
11 indexing is necessary prior to performing search on  
12 these e-mails?

13 A. I honestly don't know. And I don't know  
14 exactly what he's referring to by re-indexing.

15 Q. Okay. One or two more, just bear with us.

16 A. Okay.

17 Q. When you -- are you able to easily call up  
18 the -- actually, you know what, hold that question.

19 MR. FILIPOVITS: Mike, questions? No.

20 All right. That's all the questions I have  
21 for you. Appreciate your time and...

22 MR. CALDWELL: We're going to -- we've asked  
23 them to allow you to read and sign, so we will be  
24 sending you a copy of the transcript for you to read,  
25 okay. So we'll give you a chance to review it before

1 it becomes finalized so you can make any corrections  
2 that you think needs to be made, okay.

3 That's it. We've ordered a copy of the  
4 transcript.

5 MS. LAMBERT: Haley?

6 THE REPORTER: Yes.

7 MR. CALDWELL: Haley?

8 MS. LAMBERT: What is the normal turnaround  
9 time?

10 THE REPORTER: 10 business days.

11 MS. LAMBERT: Okay.

12 THE REPORTER: So regular turnaround for Jeff  
13 and Lisa, and also for Michael; is that correct?

14 MR. CALDWELL: Right.

15 MS. LAMBERT: What kind of charges do we face  
16 for expedited?

17 THE REPORTER: It depends on what day you want  
18 it. Let me know what day you want it, and I'll shoot  
19 you an e-mail with an estimate.

20 MR. CALDWELL: Would you shoot me a copy of  
21 that too?

22 THE REPORTER: Sure.

23 (Discussion off the record.)

24 (10:47 a.m.)

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NATHAN ANDREW LEWIS

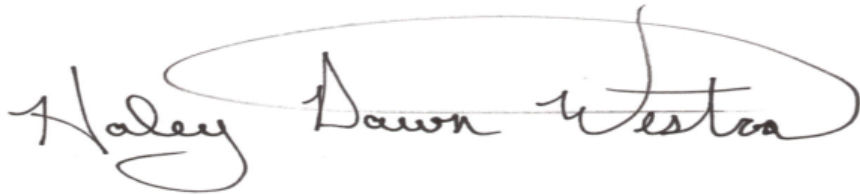
1 STATE OF ARIZONA )  
 ) ss.  
 2 COUNTY OF MARICOPA )

3 BE IT KNOWN that the foregoing proceedings were  
 4 taken before me; that the witness before testifying was  
 5 duly sworn by me to testify to the whole truth; that  
 6 the foregoing pages are a full, true and accurate  
 7 record of the proceedings, all done to the best of my  
 8 skill and ability; that the proceedings were taken down  
 9 by me in shorthand and thereafter reduced to print  
 10 under my direction.

11 I CERTIFY that I am in no way related to any of  
 12 the parties hereto nor am I in any way interested in  
 13 the outcome hereof.

14 [X] Review and signature was requested.  
 15 [ ] Review and signature was waived.  
 16 [ ] Review and signature not required.

17 I CERTIFY that I have complied with the ethical  
 18 obligations set forth in ACJA 7-206(F)(3) and ACJA  
 19 7-206 J(1)(g)(1) and (2). Dated at Phoenix, Arizona,  
 20 this 2nd day of March, 2018.



21 -----  
 22 HALEY DAWN WESTRA, RPR, CRR  
 23 Arizona Certified Reporter No. 50762

24 I CERTIFY that HERDER & ASSOCIATES, LLC, has  
 25 complied with the ethical obligations set forth in ACJA  
 7-206 (J)(1)(g)(1) through (6).

26 -----  
 27 HERDER & ASSOCIATES, LLC  
 28 AZ Registered Reporting Firm No. R1145

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